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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,313	12/13/2006	Lars Jorneus	NOBELB.233NP	7121
20995 7590 07/31/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
PATEL, YOGESH P				
ART UNIT		PAPER NUMBER		
3732				
NOTIFICATION DATE		DELIVERY MODE		
07/31/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

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jcartee@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LARS JORNEUS and SANEL DURIC

Application No. 10/574,313
Technology Center 3700

Mailed: July 30, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 27, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed February 23, 2009 reveals that claim 1 in the Claims Appendix of the Appeal Brief is not consistent as amended in the last entered amendment filed on May 23, 2008. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). *See Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claim 1, as provided in the Brief's Claims Appendix, reads:

1. A dental implant comprising an upper portion with an internal socket formed on a top surface of the upper portion, the internal socket comprising a first portion and a second portion spaced along a longitudinal axis of the dental implant, the first portion disposed adjacent the top surface of the dental implant and defining first lateral surfaces, the second portion spaced further from the top surface and defining a lateral guide surface; and

a turning instrument configured to engage the internal socket and to turn the dental implant, the turning instrument comprising a drive part and a guide pin part, the drive part comprising second lateral surfaces that cooperate with the first lateral surfaces in the turning socket, the guide pin part extending longitudinally beyond the drive part of the turning instrument such that the guide pin part is configured to be received within the second portion of the socket of the dental implant with the guide pin part corresponding to the lateral guide surface of the socket;

wherein at least one of the first and second lateral surfaces comprises a friction- enhancing coating comprising at least one of titanium nitride and chromium carbide for enhancing friction between the turning instrument and the internal socket.

However, in the last entered Amendment dated May 23, 2008, claim 1 reads:

1. (Currently Amended) A dental implant assembly for counteracting stress in a portion of the dental implant assembly, the assembly comprising;

a dental implant ~~provided with~~ comprising an upper portion with an internal socket formed on a top surface of the upper portion, the internal socket comprising a first portion and a second portion spaced along a longitudinal axis of the dental implant, the first portion disposed adjacent the top surface of the dental implant and defining first lateral surfaces, the second portion spaced further from the top surface and defining a lateral guide surface; and

a turning instrument ~~which is~~ configured to engage the internal socket and to turn the dental implant, ~~wherein the turning instrument has first~~ comprising a drive part and a guide pin part, the drive part comprising second lateral surfaces that c-an cooperate with ~~corresponding second~~ the first lateral surfaces in the internal socket, the guide pin part extending longitudinally beyond the drive part of the turning instrument such that the guide pin part is configured to be received within the second portion of the socket of the dental implant with the guide pin part corresponding to the lateral guide surface of the socket;

wherein at least one of the first and second lateral surfaces comprises a friction- enhancing coating comprising at least one of titanium nitride and chromium carbide and ~~wherein one or more of the first or second surfaces are provided with means for enhancing friction~~ between the turning instrument and the internal socket

~~wherein the dental implant and the turning instrument comprise~~

~~interacting part which extend inside the dental implant and beyond the first and second lateral surfaces, the interacting parts being configured to take up bending moments between the dental implant and the turning instrument.~~

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on June 29, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on December 6, 2007 defective;
 - 2) notify Appellant to file a "paper" which corrects the Claims Appendix;
 - 3) acknowledge and consider the "paper" filed by Appellant;
 - 4) consider the Reply Brief filed June 29, 2009 as indicated above;
- and
- 5) for such further action as may be appropriate.

Application No. 10/574,313

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614